

Remarks/Arguments

Reconsideration of this application is respectfully requested.

In the office action, the original claims were rejected as unpatentable over Pink et al (5,535,479) in view of Stockdale et al (5,088,860).

According to the foregoing amendment, apparatus claim 1 has been amended to include the subject matter of claim 8, and to further recite that the outlet conduit is in direct fluid communication with the intake conduit. Claims 8 and 12 have been canceled without prejudice, and claims 2-7 and 9-11 have been amended, as appropriate to correspond with the language of claim 1. Moreover, apparatus claim 19 has been added, and claim 20 has been added as a dependent claim from claim 1. Independent method claim 13 has been amended, and claims 17 and 18 have been added. Thus, apparatus claims 1-7, 9-11, 19 and 20, and method claims 13-18 remain in this application, and it is respectfully submitted those claims define the present invention in a manner that is not disclosed or suggested by Pink, Stockdale or any of the other cited references.

Specifically, apparatus claim 1 has been amended to include the subject matter of claim 8 (i.e. that the outlet conduit has a smaller cross section than the intake portion), and to further recite, *inter alia*, that the outlet conduit is in **direct** fluid communication with the intake conduit. Support for that language is found, e.g., at paragraphs 00012 and 00015 of this application. Moreover, dependent claim 20 has been added to further define, *inter alia*, that in applicant's apparatus the outlet portion is disposed in a head assembly configured for attachment to the intake portion with the outlet portion in **direct** fluid communication with the **intake** portion (again, support for this definition is found at paragraph 00012). New claim 19 has been added to define that applicant's apparatus includes, *inter alia*, a conduit system **consisting essentially of an intake portion and an outlet portion in direct fluid communication with each other**; the outlet portion including a conduit that has a smaller inner diameter than the inner diameter of the intake portion, the outlet portion disposed in a head assembly configured for attachment to the intake portion with outlet portion in direct fluid communication with the inlet portion. Thus, this claim emphasizes the lack of a larger fan component (such as 78 in Pink) between the outlet and intake portions of the conduit system.

Method claim 13 has been amended to recite, *inter alia*, that applicant's method contemplates drawing landscape material that includes dirt and/or debris and landscape rock into the intake portion, enabling the dirt and/or debris to be drawn through the outlet portion, while resisting landscape rock from passing through the outlet portion and lifting the intake portion off the landscape surface landscape in a manner that allows the pressure state in the conduit system to cause landscape rock in the intake portion to be redeposited in situ on the landscape surface.

The present invention, as defined by the foregoing claims is not disclosed or suggested in Pink, Stockdale or any of the other cited references. Regarding the method claims 13-18, Pink draws air and debris into his device but does **not** contemplate or suggest applicant's method that also draws landscape rock into the intake portion, and is then lifted from the landscape surface in a manner that causes the landscape rock to be redeposited in situ on the landscape surface. Moreover, there is no disclosure or suggestion in Pink that landscape rock would be drawn into Pink's device, and it is not seen how such landscape rock would be redeposited in situ when the device was lifted from the surface. Thus, Pink does not disclose or suggest the method of claim 13.

Additionally, there is nothing in Stockdale that would suggest modifying Pink to provide the method of claim 13. Specifically, Stockdale provides a system for drawing peanuts **but not objects** out of a carton. Thus, even if Stockdale could somehow be combined with Pink, the resulting method would at best draw only debris and air into the intake and that is what Pink appears already to do. Thus, it is respectfully submitted that Pink and Stackdale do not disclose or suggest the applicant's concept of drawing landscape material that includes dirt and/or debris and landscape rock into the intake portion, enabling the dirt and/or debris to be drawn through the outlet portion, while resisting landscape rock from passing through the outlet portion and lifting the intake portion off the landscape surface landscape in a manner that allows the pressure state in the conduit system to cause landscape rock in the intake portion to be redeposited in situ on the landscape surface. Such a method is disclosed only by applicant's disclosure, and not the cited references.

Claims 14-18 which include the limitations of claim 13, are not disclosed or suggested by Pink, Stockdale or any of the other cited references for the reasons set forth above. Moreover, claims 14-18 define further aspects of applicant's method that further distinguish it from the cited references. For example, claims 17 and 18 recite, *inter alia*, that in applicant's method the intake

portion is oriented at about 90 degrees to the landscape surface as the dirt and/or debris and landscape rock is drawn into the intake portion. Clearly Pink contemplates a device that is not oriented in that manner, as seen from Pink's Figure 4.

The apparatus claims 1-7, 9-11, 19 and 20 also clearly distinguish the apparatus of the invention from the cited references. Specifically, apparatus claim 1 has been amended to define, *inter alia*, that the apparatus of the present invention includes an outlet conduit with a smaller diameter than the intake portion in direct fluid communication with the intake portion. In Pink, the primary reference relied upon in the office action, there is a fan portion 78 disposed between the conduits that are identified in the office action as corresponding to the claimed intake and outlet conduits. Thus, what communicates directly with the intake portion is the fan portion that is clearly not of smaller diameter than the intake portion.

Claim 20 further develops this concept by defining that the outlet is disposed in a head assembly configured for attachment to the intake portion with the outlet portion in direct fluid communication with the intake portion. Clearly, there is no corresponding structure in Pink or any other cited references.

Claim 19 also develops this concept by defining, *inter alia*, a cleaning device in which the conduit system "consisting essentially" of the intake portion, the outlet portion of smaller diameter than the intake portion and in direct fluid communication with the intake portion. On account of the fan structure 78, which is clearly essential to the Pink disclosure, the Pink patent cannot correspond to the structure defined in claim 19, and it would not be obvious to modify the structure of Pink to provide such structure, since that would require eliminating an important feature of Pink.

Accordingly, for the reasons set forth above, it is respectfully submitted that the present invention, as set forth by apparatus claims 1-7, 9-11, 19, 20 and method claims 13-18 above, is not disclosed in or obvious from the cited references.

Favorable action is respectfully requested.

Respectfully submitted,



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